

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of)
RICHARD RICHARDS)
For Renewal of License)
of Low Power Television)
Station K33CG)
Sierra Vista, Arizona)

MM Docket No. 93-176
File No. BRTTL-921116IG

RECEIVED

FEB 23 1994

To: Administrative Law Judge
Richard L. Sippel

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

STATEMENT OF PROOF OF PUBLICATION

Richard Richards ("Richards"), by his attorneys and pursuant to Section 73.3594 of the Commission's Rules, hereby submits the attached proof of publication of the local notice of the hearing in the above-captioned proceeding. See Exhibit A.

The notice was published in a timely manner in compliance with Section 73.3594(f) of the Rules.^{1/} However, this proof of publication is not being submitted to the Commission within the seven-day period following the date of publication, as required by Section 73.3594(g) of the Commission's Rules. No party to this proceeding will be prejudiced nor will this proceeding be delayed by this untimely submission.

^{1/} Section 73.3594(f) requires notice to be given in a daily, weekly or bi-weekly publication having general circulation in the community or area to be served at least once during the two-week period immediately following release of the FCC's order specifying the time and place of the commencement of the hearing. In this case the Order (FCC 93M-430) specifying the time and place of the commencement of the hearing was released on July 1, 1993. Notice was published on July 14, 1993 in the "Sierra Vista Herald and the Bisbee Daily Review," newspapers published six days a week in Sierra Vista and Bisbee, Chochise County, Arizona. Consequently, notice was published within the two-week period required by the Commission's Rules.

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WHEREFORE, for the reasons set forth herein, Richards hereby requests that the Administrative Law Judge accept this late-filed submission.

Respectfully submitted,



Thomas Schattenfield
Gerald P. McCartin
ARENT FOX KINTNER PLOTKIN & KAHN
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339
202/857-6020

DATE: February 23, 1994

EXHIBIT A

PUBLISHERS AFFIDAVIT

STATE OF ARIZONA)
) SS.

COUNTY OF COCHISE)

Rebbie Maple being duly sworn, deposes and says:

That she is the Secretary of the Sierra Vista Herald and the Bisbee Daily Review, newspapers published six days a week in Bisbee and Sierra Vista, Cochise County, State of Arizona

Notice of Hearing Designation Order

a copy of which is hereto attached, was published in its issues for 1 times on the following dates:

July 14, 1993

Subscribed and sworn to me this 14th day of July, 19 93

Shirley Bruening
NOTARY PUBLIC

PUBLIC NOTICE

Richard Richards
Station K33CG
Channel 33, Broadcasting N.T.S.N. Portena
CAL Channel 40

Hearing Designation Order
October 13, 1993 at 10:00 a.m. in the offices of the
Federal Communications Commission,
Washington, DC 20554

The application of this station for a renewal of its license to operate this station in the public interest was tendered for filing with the Federal Communications Commission on Nov. 16, 1992. After considering this application, the FCC has determined that it is necessary to hold a hearing to decide the following questions.

A. To determine, in light of Richard Richards conviction for violating Title 21, United States Code Sections 841(a)(1), 841(b)(1)(D) and 841(b)(5), whether Richards possesses the requisite qualifications to be the licensee of Station K33CG.

B. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether the grant of the application to renew the license of Station K33CG will serve the public interest, convenience and necessity. The hearing will be held at offices of the Commission, Washington, DC, commencing at 10:00 a.m. on October 13, 1993. Members of the public who desire to give evidence concerning the foregoing issues should write to the Federal Communications Commission, Washington, DC 20554, not later than July 31, 1993. Letters should be set forth in detail the specific facts concerning which the writer wishes to give evidence. If the FCC believes that the evidence is legally competent, material and relevant to the issue, it will contact the person in question.

Publioh: July 14, 1993

CERTIFICATE OF SERVICE

I certify that the foregoing Statement Of Proof Of
Publication was served on the 23rd day of February, 1994, by hand
delivery to the following:

Charles E. Dziedzic, Esquire
Robert A. Zauner, Esquire
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554

Honorable Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 214
Washington, D.C. 20554


